

Meeting Minutes, Boulder Town Planning Commission

November 12, 2013

Commissioners present: Cindy Wilson, Caroline Gaudy, and Donna Jean Wilson, Loch Wade, and Alyssa Thompson. Also present, Secretary Peg Smith and Town Council Liaison, Tom Jerome. Members of the public present: Scott and Brynn Brodie, Constance Lynn, Dennis Bertucci, Colleen Thompson.

Loch called the regular meeting to order at 6:18 p.m. Caroline had a correction on page 2 (“see” should be “sell.”) Cindy moved to approve the October minutes with the editing correction. Caroline seconded the motion, and all approved.

Work on Final definition for Home Occupation, Major

Loch led the discussion on Major home occupation:

- Caroline had looked at several other town ordinances---they made a distinction between major home occupation and cottage industry. Only difference was a reference to not violating the nature of the area, creating a nuisance for neighbors, or creating permanent alterations to the site.... does not create a negative impact on the municipality, the surrounding neighborhood or the neighbors... that conditions can be imposed to mitigate negative impacts (could also be addressed within the permitting process).
- Alyssa: remember this is a definition and doesn't have to include the list of rules.
- Caroline: distinction also in service-oriented vs. product-oriented business?
- Alyssa: in general, other towns' ordinances consistencies dealt with signs, traffic, employees, parking, and noise as being the biggest differences between major and minor.

Loch suggested breaking down Boulder's current definition. These would be the items that would be added to a Major Home Occupation, with the assumption it would be a conditional use.

- Employee—one employee who's not a resident of the premises? (More than one employees is a business, not a home occupation.)
- Storage and/or activities associated with the home occupation?
- % of sq feet?
- Incidental to residential use?
- Conditional use permit required?
- (Has to meet all the definitions of the minor home occupation with these additions)

Loch's rewording, Major Home Occupation: *Must meet all the requirements listed under Minor Home Occupation, and may allow for one non-family member employee and may allow for limited outside activity and/or storage. A major home occupation can only be conducted after issuance of a conditional use permit.*

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Definition for recreational facility

After several minutes of discussion of trying to define types of recreational facilities, performance space, sports, etc., the commissioners decided on no change to the current definition.

Definition for retail sales

We currently do not have a definition of retail sales and we need to include one. What applies to Boulder?

- If you have retail sales or services you are subject to Utah State tax.
- Excludes agricultural products on the premises

Table currently says retail sales are only allowed, conditionally, in a commercial zone. The definition should state, "Sale of goods to an end user."

Temporary Use Permits

(Refer to current definition, page 39 in the definitions, page 52 in the full section. Essentially, a TUP is good for up to 120 days.)

The main difference Alyssa found between Boulder and other towns is that the application itself only goes to the Zoning Administrator here, rather than to the whole Planning Commission.

Caroline: Last meeting we discussed two tiers of permits---- one short term (3 days); one up to 120, so many of each per year. We also discussed creating a checklist that would help define the usage (estimate attendance, and the number of people would trigger x amount of parking spaces, need for sanitary facilities, etc.)

Scott asked if it would be realistic to ask Caroline to recuse herself. Loch said the standard procedure is that anyone can participate in the discussion, and it's up to the individual to recuse him/herself from voting. Cindy asked that the record state that Caroline [and Dennis] filed the complaint against Red House Farm and we're now discussing an item directly related to that complaint. Caroline said, "I'm not inclined to recuse myself. What brought me to making the complaint is it could be anybody in a low-density neighborhood. Also, there's a huge process here. I'm just one vote on this, but we still don't decide. There will be two public hearings. It goes before the Town Council. Then I'm a small piece of this. No way I could have the deciding vote."

Loch: under our current temporary use, which you can get for just about anything:

- A use for maximum 120 days
- Special events
 - Nonprofit fundraising
 - Organized events

Caroline: Include on the application note that the Zoning Administrator should consider frequency, parking, sanitation, curfew, number of days (determining the 3-4 day permit or a longer permit, overlapping events?)

Alssya: An idea: Major TU would have the potential to create health and safety problems, can occur on undeveloped property, can create noise, traffic problems, potentially disrupt community

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life. (Like a fair, a concert, a festival, etc.) It goes through the Planning Commission. A Minor TU occurs on developed private property for short durations, produce little or no noise, little impact on adjacent property.

Caroline read a different, long example, most of which could be summarized in a checklist table. A temporary use is not detrimental, no permanent uses, no permanent alterations to the site, not interfere with permanent use of the property, sufficient space to accommodate parking, etc.

Loch said there needs to be a dividing line between the minor and major temporary uses. Number of people and duration of event seems to be point. His idea was to craft the actual form with a table showing two different types of temporary uses. Events (big) and everything else (minor).

Summary, so far: If it's something you want to do all year, we need to look at the full use and talk about adding it to the table. Regarding permits:

Long-term TU permit:

- 120 days?
- Everything but special events
- Approved by Zoning Administrator
- Should have a checklist (DJ says is already listed in housing)
- Farmstand, construction office/living/storage/ farmer's market, other temporary uses

Short-term TU permit:

- Events: concerts, festivals, fairs, movies *
- Educational, historic and religious or patriotic exhibits and displays

*We haven't really talked about theatre and performances yet. "Impact" also needs to be determined.

Loch asked for a motion to approve the definitions for major home occupation and retail sales, Cindy so moved, Caroline seconded and all approved. A public hearing will be scheduled next month on these definitions. Meeting will start at 7 along with the public hearing.

Discuss Upcoming Business and Next Meeting Agenda

Upcoming business for the December 10 meeting will include:

- Approval of November minutes
- Discussion of days and times
- Temporary Use and checklists
- Public hearing on the two definitions

(Tell Bruce we need color copies so we can see the revisions. We can talk about it after we can read the changes.)

Cindy moved to close the meeting, Alyssa seconded the motion. Loch adjourned the meeting at 8:11 p.m.

Peg Smith, Planning Commission Clerk

Date